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Final Decision

The U.S. Environmental Protection Agency (EPA) issued a final decision, in a document called a Record of Decision (ROD), on April 12, 2021 addressing Operable Unit 2 (OU2) of the Newtown Creek Superfund site, located in New York City, NY. OU2 of the site relates to the current and anticipated future volume of combined sewer overflow (CSO) discharges to the water and sediment of Newtown Creek. EPA's final decision for this discrete aspect of the site consists of No Further Action, which for this site means no action to further address the volume of CSO discharges to the creek beyond the anticipated implementation of the Long-Term Control Plan (LTCP) for Newtown Creek. Monitoring will be required to assure the assumptions made in reaching this conclusion remain valid.

Outside of the Superfund process, as per the requirements of the Clean Water Act, the City of New York is under order by the State of New York to implement a CSO LTCP for Newtown Creek. The LTCP, which was approved by the state in June 2018, includes a number of components to reduce future CSO discharges to the creek, including constructing and implementing a 39-million gallon CSO storage tunnel. EPA has determined that the CSO volume controls prescribed by the LTCP that the City of New York is under order to implement are sufficient to meet the needs of the eventual Superfund cleanup for the Newtown Creek Superfund site. EPA will determine in the future whether additional CSO-discharge related actions, whether they be in the creek, at CSO points-of-discharge, and/or in the uplands adjacent to the creek, are needed to address the cleanup of the full site. Any decision regarding potential additional actions would be memorialized in a future decision document.

Site Background

Newtown Creek is a tidal arm of the New York-New Jersey Harbor Estuary, and forms a boundary between Brooklyn and Queens. The creek is a tributary of the East River and includes five branches along its 3.8-miles reach. Historically, Newtown Creek drained the uplands of western Long Island and flowed through wetlands and marshes. However, due to heavy industrial development and governmental activities from the 1800's, formerly wet areas have been filled, Newtown Creek has been channelized, and its banks have been stabilized with bulkheads and rip rap. This historic development has resulted in changes in the nature of Newtown Creek from natural to one that is governed largely by engineered and institutional systems.

By the mid-1800s, the area next to the 3.8-mile-long creek was one of the busiest industrial areas in New York City. More than 50 refineries were located along its banks, including oil refineries, petrochemical plants, fertilizer and glue factories, sawmills, and lumber and coal yards. Newtown Creek was crowded with commercial vessels, including large boats bringing in raw materials and fuel and taking out oil, chemicals and metals. In addition to the industrial pollution that resulted from all of this activity, the City of New York began dumping raw sewage directly into the water in 1856. Currently, factories and facilities still operate along the creek. Various contaminated sites along the creek have contributed to the contamination. On September 29, 2010, Newtown Creek was added to the National Priorities List (NPL), making it a Superfund site.

